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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,603	07/17/2003	Yoshifumi Fujikawa	501.42779X00	9285

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

AKHAVANNIK, HADI

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,603

Applicant(s)

FUJIKAWA ET AL.

Examiner

Hadi Akhavannik

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9, 14, 15, 17, 18, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 13, 16, 19 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Arguments

1. 101 rejections are withdrawn.
2. Objections to drawings are withdrawn.
3. Applicant's arguments filed 4/12/2007 have been fully considered but they are not persuasive.

First applicant argues throughout the arguments that arguments that it would have not have been obvious to include a noise vision index. The examiner disagrees. The examiner believes still believes that it would have been exceedingly obvious at the time of the invention to one of ordinary skill in the art to create a value to represent the amount of noise in an image. Many inventions use a similar idea when creating threshold values and the examiner is including one such reference for the applicants reference.

Next the examiner believes that the applicant uses piece-meal analysis on the 103 rejection of the claims. The examiner reminds the applicant to please take the rejection as a whole when deciding the validity of the rejection.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

4. The allowable subject matter remains the same.

5. Please see final rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 10, 13, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiura et al (Japanese Patent No. 2000-175019, referred to as "Yoshiura" herein) in view of Alattar et al (7020304, referred to as "Alattar" herein), in view of Rao et al (6687412, referred to as "Rao" herein).

Regarding claim 1, Yoshiura discloses a digital-watermark-embedding apparatus for embedding a digital watermark into a content, said digital-watermark-embedding apparatus comprising: a picture input unit for inputting said content; a vision-sensitivity computation unit and a digital-watermark embedment unit, which are connected to said picture input unit (see paragraphs 24-28 as it discloses a watermark embedding unit which finds the vision sensitivity, read as brightness change, and embeds the information);

Yoshiura discloses calculating the brightness change in paragraph 26 and embedding the watermark based on those values.

Yoshiura does not explicitly disclose changing the variance of the luminance values.

Alattar discloses calculating the variance of the luminance and also motion vectors for finding watermarking in the DCT values (see column 20 lines 9-19)

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Yoshiura and luminance variance means as taught by Aattar. The reason for the combination is because it allows the system to find inconspicuous areas to embed a watermark into an image. Also please note that both inventions are from the same field of endeavor of watermarking and that Yoshiura already discloses calculating the brightness change.

Neither Yoshiura nor Alattar explicitly disclose compressing the image.

Rao discloses compressing the image by creating a quantization parameter from the DCT array by taking into account the human vision sensitivity (see column 4 line 63 to column 5 line 37. Please note that this is on the basis of the noise vision sensitivity because by compressing the image the system is also compressing the watermarked information and the watermarked information is based on the noise vision sensitivity).

It would have been obvious to include in the combination of Yoshiura and Alattar a compressing means as taught by Rao. The reason for the combination is because it makes for a more robust system that can same memory space by compressing the image.

None of Yoshiura, Alattar, nor Rao disclose creating a noise vision sensitivity index.

However, the examiner takes official notice that it would have been exceedingly obvious at the time of the invention to one of ordinary skill in the art to create an index

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number from the noise vision sensitivity. The reason is because creating index numbers to represent values is a common technique used to send data between different parts of a system as it allows for efficient information exchange.

Regarding claim 2, please see the rejection of claim 1 and take special note of paragraphs 23-25 of Yoshiura as it discloses finding a motion vector for embedding a watermark.

Regarding claim 3, please see the rejection of claims 1 and 2 and also the examiner takes official notice that it would have been exceedingly obvious at the time of the invention to one of ordinary skill in the art to have a buffer unit. The reason is because any system that wishes to transfer data must have some kind of memory and all kinds of memory contain a buffer unit. Therefore, in order to send and receive data the system must have a buffer unit as well.

Regarding claim 10, please see the rejection of claim 1 as it discloses all aspects of claim 10.

Regarding claim 13, please see the rejection of claims 1 and 2 as it discloses all aspects of claim 13.

Regarding claim 16, please see the rejection of claim 2 as it discloses all aspects of claim 16.

Regarding claim 19, please see the rejection of claim 2 as it discloses all aspects of claim 20.

Allowable Subject Matter

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-9, 14-15, 17-18, and 20-21 are allowed over prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olsson et al. (6535254) discloses creating a noise value based on brightness information, see column line 57 to column 4 line 5.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Akhavannik whose telephone number is 571-272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HA
7/6/07


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